

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

September 13, 2019

David J. Bradley, Clerk of Court

United States of America

v.

Luis Fernando Martinez Valerio

Case No. **4:19mj1738**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 13, 2019 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C § 2251(a) &(e)

Production of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 13, 2019

Judge's signature

City and state: Houston, Texas

Dena Hanovice Palermo, USMJ

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Guerra, being duly sworn, hereby depose and state the following:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation Task Force which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. § 2251 and 2252A et seq. I have received training in the areas of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging Luis Fernando Martinez VALERIO with violating 18 U.S.C. § 2251(a) & (e) (production of child pornography).
3. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of violation of 18 U.S.C. § 2251(a) & (e) (production of child pornography) occurred on or about March 13, 2019, have been committed by Luis Fernando Martinez VALERIO. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.

4. The LIKE app has been renamed Likee. According to the application's website, www.like.video, Likee was released in August 2017 and has over 200 million users worldwide. Likee is available for iOS and Android operating systems. Likee allows users to create and share short videos enhanced with a variety of special effects, and appears similar to the music video app TikTok (formerly Musical.ly). The app also allows users to broadcast live and engage with other users who are geographically proximate through its "Nearby" feature.
5. On March 14, 2019, the Piscataway Police Department (PPD) located in Piscataway, New Jersey, received a complaint regarding a minor female (MV1) with the birth year of 2014, engaging in inappropriate conversations on the Likee Application, with an unidentified male using the Likee video account 125180760 profile using the display name "Need a GF", with a heart symbol next to the title. MV1's parents stated that MV1 downloaded and subsequently created a user profile with the username "diamond jewel" on Likee back in February 2019. MV1 uploaded a photograph of herself as her profile picture. On or about March 13, 2019, the mother of MV1 walked into MV1's bedroom and observed MV1 taking a photograph of herself with her pants down.
6. MV1's parents subsequently went through MV1's iPad and observed several messages were exchanged on the Likee application between MV1 and the user with the display name "Need a GF" dating back at least one month. The mother of MV1 observed several messages where the user "Need a GF" requested photographs of MV1 unclothed. The parents of MV1 took several screen shots of the messages exchanged between MV1 and the unknown male and provided said screen shots to PPD.
7. On March 19, 2019, MV1 was forensically interviewed at the Middlesex County Prosecutor's Office located in New Jersey. MV1 stated she had in fact taken sexually explicit photographs of herself and posted them on the application Likee. MV1 stated she took the photographs with her iPad by using her toes to take the sexually explicit photographs of herself.
8. In June 2019, PPD contacted FBI Newark and requested assistance in the identification of the user of the Likee video account 125180760 using the display name "Need a GF".

FBI Newark reviewed the screen shots taken by the parents of MV1. One of the screen shots was of the profile of the Likee video account 125180760 user using the display name "Need a GF". On the profile it stated "Need A Cute Girlfriend Message Me On Instagram or Snapchat Its Choder839". FBI Newark sent an administrative subpoena to Snapchat requesting information pertaining to the user "Choder839". On August 2, 2019, Snapchat provided the last two IP addresses utilized by the user "Choder839" as the following:

2601:2c2:c780:c50:65bb:e466:536f:c534 on June 12, 2019 at 13:57:31 UTC

2601:2c2:c780:c50:95e9:7620:f72f:a28d on June 8, 2019 at 19:43:07 UTC

9. FBI Newark was able to determine that the IP addresses provided by Snapchat resolved back to Comcast Communications. FBI Newark sent Comcast Communications an administrative subpoena and on August 15, 2019, Comcast provided the subscriber information for both IP addresses as follows:

Subscriber Name:	Leonor Valerio
Service Address:	4742 Yale Street APT 36 Houston, Texas 77018
Telephone #:	832-989-2790
Type of Service:	High Speed Internet Service
Start Service Date:	Unknown
Status:	Active

10. On August 30, 2019, SA Guerra was contacted by FBI Newark since the subject was identified as residing in the Houston area. SA Guerra has conducted a review of the screen shots taken by the parents of MV1 and observed the following pertinent communications between "Need a GF" and MV1:

On March 1, 2019

- "Need a GF"- "Full body" with a kiss emoji

On March 13, 2019

- MV1 sent a topless photograph of herself.
- "Need a GF" responds "Show me that ass"
- MV1 responds "No please please please"
- "Need a GF" stated "Do it" smiley face emoji
- "Need a GF" again stated "Show me that ass" followed by "including ur face baby"

- “Need a GF” asked MV1 at least three times to send photographs of her “ass”
- MV1 sends a photo of herself with her pants down displaying her genitals and her face
- “Need a GF” then stated “turn around”
- MV1 sends another photo of herself displaying her anus as well as her vagina

Throughout the chat, MV1 sent a total of 11 images, two of which depict child pornography as defined by Title 18, United States Code, Section 2256.


11. On September 13, 2019, FBI Houston executed a federal search warrant at the residence located at 4742 Yale Street, Apartment Number 36, Houston, Texas. Upon the execution of said search warrant, authorized by United States Magistrate Judge Dena Hanovice Palermo, Luis Fernando Martinez VALERIO, hereinafter referred to as “VALERIO”, was identified. VALERIO was subsequently interviewed by SA Robert J. Guerra and SA Ryan J. Shultz. After being advised of his *Miranda Rights*, VALERIO agreed to make a statement.
12. VALERIO admitted to the interviewing agents that he was user of the Likee video account 125180760 using the display name “Need a GF”. VALERIO stated he knew the minor female he was chatting with was under the age of 10. VALERIO agreed that the image depicting the face of MV1, clearly depicted a minor and yet he still asked her to produce child pornography.
13. VALERIO stated he had gotten girls between the ages of 5 and 16 years of age to produce child pornography on at least 50 separate occasions. VALERIO stated he knew child pornography was illegal and had an idea why the FBI was at his residence before the start of the interview.
14. SA Guerra conducted a preview of the cellular telephone belonging to VALERIO and observed a chat conversation that took place on Snapchat. The chat was a conversation between VALERIO and an unidentified minor female. VALERIO stated he believed the minor female to be approximately 15 years of age. VALERIO admitted to asking the minor female to produce child pornography during the conversation. SA Guerra was able to confirm that VALERIO did in fact ask the minor for nude pictures, to which the minor female sent several images depicting child pornography as defined by Title 18, United

States Code, Section 2256. The minor female tells VALERIO in the chat that she is currently in the 10th grade and located in California.

15. VALERIO also admitted to the interviewing agents to meeting a 15-year-old female, who resides in the Houston area, on Snapchat approximately one month ago. VALERIO stated he and the minor female met up in a church parking lot and engaged in sexual intercourse. VALERIO stated he was 21 at the time of the sexual encounter with the minor female.

CONCLUSION

16. Based on all information set forth above, your Affiant believes there is probable cause to believe that on or about March 13, 2019, Luis Fernando Martinez VALERIO, was in violation of Title 18 U.S.C. § 2251(a) & (e) (the production of child pornography).



Robert J. Guerra
Special Agent, FBI

Subscribed and sworn before me this 13th day of September 2019.



Dena Hanovice Palermo
United States Magistrate Judge